

### REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

#### Objections

The title was objected to as not being descriptive. The title has been amended to be more descriptive of the claimed invention.

#### Rejections under 35 U.S.C. § 102

Claims 1-5, 7-15, 18 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,441,854 ("the Fellegara patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Before addressing specific differences between the claimed invention and the Fellegara patent, the Fellegara patent is introduced. The Fellegara patent discusses a hybrid film/digital camera and operating a display screen to keep it in an inactive state until a quick review signal is entered, and returning it to the inactive state after a predetermined time period or when the quick review signal is discontinued to save energy. (See, e.g., the Abstract.) As the Examiner noted, the Fellegara patent includes a microcontroller having a low power mode. (See, e.g., column 9, lines 15-30.) If a power on event (such as actuation of a shutter button, opening of a lens cover, opening and closing of a film cartridge door) is detected, the microcontroller manages the power up sequencing for other subsystems of the camera. (See, e.g., column 9, lines 30-35 and column 10, lines 37-58.) Finally, the Fellegara patent discusses pre-exposure operations, such as auto focusing and exposure control for example, before digital image capture mode, when the shutter button is pressed to a first position (See, e.g., column 11, lines 43-59.), which is common in the art.

***Claims 1-5, 10-15 and 17***

Independent claims 1, 9, 10 and 20 are not anticipated by the Fellegara patent at least because these claims, as amended, recite a stand-by mode or state in which the image pickup system can commence an image pickup operation immediately in response to a release instruction, wherein the stand-by mode or state can be entered even if a shutter release switch is not pressed.

This feature is supported, for example, by the flow diagram of Figure 3. More specifically, notice that even if the shutter release is not pressed (NO branch of S2), a stand-by mode may be entered. If the sensors detect hand (YES branches of S12, S14, and S15), an image pickup system (e.g., CCD 7) can commence an image pickup operation immediately, in response to a release button. (Note that S3-S5 have been performed, so image pickup (S7) can commence immediately upon shutter release (S6).)

This feature clearly distinguishes the claimed invention from the Fellegara patent which requires the shutter release button to be half-pressed before preliminary processing, such as auto-focusing and auto-exposure, can occur. (See, e.g., column 11, lines 43-58.) Accordingly, independent claims 1, 9, 10 and 20 are not anticipated by the Fellegara patent for at least this reason. Since claims 2-5 depend from claim 1, and since claims 11-15 and 17 include the features of claim 10 by virtue of their dependency, these claims are similarly not anticipated by the Fellegara patent.

Moreover, dependent claim 3 further recites releasing the stand-by mode when the stand-by mode is set by the mode setup unit and a period in which at least one of the plurality of detectors does not detect the contact or approach of a hand reaches a predetermined time. Dependent claim 15 recites a similar method act. The Examiner contends that the Abstract of the Fellegara patent teaches this feature. (See Paper No. 6, page 4.) However, the mode described in the Abstract concerns an active or inactive display screen, not a mode concerning image pickup. Accordingly, dependent claims 3 and 15 are

not anticipated by the Fellegara patent for at least this additional feature.

Moreover, dependent claims 4 and 12 further recite rendering only a part of the plurality of detectors operational, where some of the plurality of detectors are non-operational. The Examiner contends that in Fellegara's standby mode, if the lens cover is off and the film cartridge door is closed, the shutter button could be interpreted as a part of the plurality of detectors being operational. (See Paper No. 6, page 4.) However, each of the lens cover detector, film cartridge door detector, and release switch are always operational. This is in contrast to some embodiments of the present invention in which the detectors can be made operational in a sequence to further reduce power consumption. (See, e.g., page 30, lines 3-8 of the Specification.) Accordingly, dependent claims 4 and 12 are not anticipated by the Fellegara patent for at least this additional reason. Note, moreover, the new dependent claims 31-33 include a similar feature.

**Claims 7, 8 and 18**

Independent claims 7 and 18 are not anticipated by the Fellegara patent because the Fellegara patent does not disclose detecting an approach of a hand to a release button by a detector provided near the release button. In the Office Action, the Examiner noted that some of the claim language was written in the alternative and elected to omit "the approach of a hand" recitation. (See Paper No. 6, page 3.) However, since the alternative has been deleted, this recitation must now be considered. The applicant respectfully submits these claims are not

anticipated by the Fellegara patent. Since claim 8 depends from claim 7, it is similarly not anticipated by the Fellegara patent. Note, moreover, that new dependent claims 21-24 recite a similar feature.

#### **Rejections under 35 U.S.C. § 103**

Claims 6, 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fellegara patent. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that automatic white balance (AWB) adjustment is well known and it would have been obvious to perform AWB adjustment during preprocessing. (See Paper No. 6, page 6.) Even assuming, arguendo, that this is true, this does not compensate for the deficiencies of the Fellegara patent addressed above with respect to claims 1, 10 and 18. Since claims 6, 16 and 19 depend from claims 1, 10 and 18, respectively, these claims are not rendered obvious by the Fellegara patent for at least the reasons discussed above.

#### **New claims**

New dependent claims 21-24 further recite that the detectors detect the approach of a hand. This feature is supported by examples provided throughout the specification.

New dependent claims 25-30 further recite that at least one of the detectors is a pyroelectric sensor, or a

photosensor. These claims are supported, for example, by page 22, lines 11-13 of the Specification.

New dependent claims 31-33 further recite that initially, a first one of the detectors is rendered operational while a second one of the detectors is rendered non-operational until a contact or approach of a hand is sensed by the first one of the detectors, at which time the second one of the detectors is rendered operational. These claims are supported, for example, by page 30, lines 3-8 of the Specification.

#### **Amendments to the Specification**

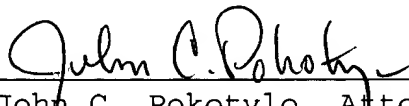
The specification has been amended to correct a number of minor errors.

#### **Conclusion**

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

March 11, 2004

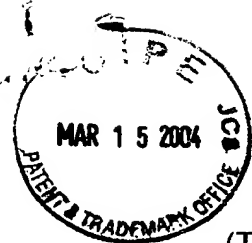
  
\_\_\_\_\_  
John C. Pokotylo, Attorney  
Reg. No. 36,242  
Tel.: (732) 542-9070

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **March 11, 2004** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
John C. Pokotylo

36,242  
Reg. No.



(Translation)

Mailed: January 6, 2004

FINAL NOTICE OF REJECTION

Patent Application No.: 2000-062385

Examiner's Notice Date: December 12, 2003

Examiner: N. Sakai

**RECEIVED**

MAR 17 2004

Technology Center 2600

<<<< FINAL >>>>

This application is rejected on the grounds stated below. Any opinion about the rejection must be filed within 60 DAYS of the mailing date hereof.

REASON

The invention is unpatentable under Section 29 (2) of the Patent Law, as being such that the invention could easily have been made by a person with ordinary skill in the art to which the invention pertains, on the basis of the invention described in the following publications distributed in Japan or a foreign country prior to this application.

REMARKS

Claims 7 and 8

References 1 and 2

Notes

Reference 1 describes a power source turned on to the recording portion 11 and the image pickup portion, by turning on the main switch and then turning on the first or the third switch (Please refer to line 12 in the lower left column on page 4 to line 13 in the lower right column, and Figure 4 of



Reference 1).

In addition, Reference 2 describes a CCD and the like to be powered on by using a sensor (Please refer to lines 42-43 in the right column on page 3 and F103-F105 of Figure 4 of Reference 2).

The claims not mentioned in this Official Action are not rejected. If a new reason for rejection is noticed, a further Official Action will be issued.

References Cited:

1. Jpn. Pat. Appln. KOKAI Publication No. 02-089473
2. Jpn. Pat. Appln. KOKAI Publication No. 09-219806

RECEIVED

MAR 17 2004

Technology Center 2600

---

Reason for issuing this Notice as Final Notice of Rejection

This Final Notice of Rejection indicates only a reason for rejection, which has occurred due to the amendment filed in response to the previous Official Action ("First (Non-Final) Official Action").